

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

UNITED STATES OF AMERICA

v.

PAUL S. MINOR

Criminal Docket No. 3:03cr120-HTW-JCS

DEFENDANT PAUL S. MINOR'S MOTION TO VACATE CONVICTIONS

Defendant Paul S. Minor, by and through his counsel, respectfully moves to vacate his convictions in light of *Skilling v. United States*, 130 S. Ct. 2896 (2010), an intervening change in controlling law that occurred after the United States Court of Appeals for the Fifth Circuit decided Mr. Minor's appeal and remanded the case for resentencing. This intervening change in law concerning the scope of the honest services fraud statute, 18 U.S.C. § 1346, renders theories of guilt charged in the indictment and submitted to the jury legally invalid. Accordingly, Mr. Minor's remaining convictions for violations of the honest services fraud statute and the Racketeer Influenced and Corrupt Organizations Act—Counts One, Three, Four, Five, Six, Eight, Nine, and Ten—must be vacated.

Mr. Minor respectfully requests a hearing on his motion because oral argument will assist the Court in resolving the constitutional questions and other important issues presented in the motion. In addition, because the validity of Mr. Minor's convictions is legally and logically antecedent to the sentencing issues that were remanded to this Court by the Fifth Circuit, the Court should hear argument on this motion at the resentencing hearing scheduled for January 20, 2011.

In support of his motion, Mr. Minor submits the accompanying Memorandum of Law.

Dated: December 17, 2010

Respectfully Submitted,

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Attorneys for Defendant Paul S. Minor

CERTIFICATE OF SERVICE

I, Chuck McRae, do hereby certify that on December 17, 2010, I served the above and foregoing Defendant Paul S. Minor's Motion to Vacate Convictions via the Court's ECF filing system, which sent notification of this filing to all counsel of record.

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